

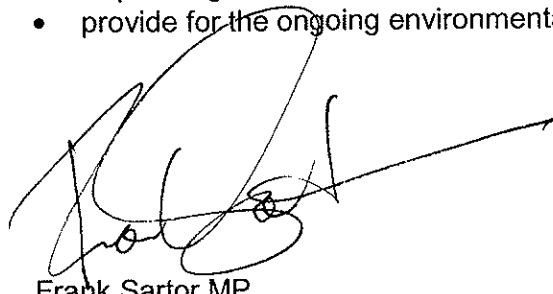
# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

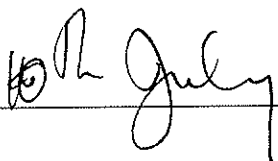
These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP  
Minister for Planning

Sydney



2008

File No: 9036690

### SCHEDULE 1

<b>Application No:</b>	06_0062
<b>Proponent:</b>	Wind Corporation Australia Pty Limited
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lots 31, 32, 48, 144, 171, 110, 172, 19, 36, 81 and 84 on DP 757072, Lot 1 on DP 115062 and Lot 182 on DP 42908 in the Oberon local government area
<b>Project:</b>	Black Springs Wind farm: The construction and operation of a 18.9 megawatt (MW) wind farm and ancillary facilities
<b>Major Project:</b>	The project is declared to be a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 24 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i>

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Commissioning</b>	Commencement of testing and connection of any individual wind turbine(s) and may include concurrent construction activities.
<b>Construction</b>	Includes all construction work in respect of the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the conditions), or other activities to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc)
<b>Council</b>	Oberon Council
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or nominee)
<b>Dust</b>	Any solid material that may become suspended in air
<b>Minister, the</b>	Minister for Planning
<b>Operation</b>	any activity at the site that results in the generation, or intended generation of electricity for contribution to the electricity grid, but does not include commissioning
<b>Project</b>	The development to which Major Project Application 06_0062 applies
<b>Proponent</b>	Wind Corporation Australia Pty Limited
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Reasonable and Feasible</b>	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>RFS</b>	NSW Rural Fire Service
<b>RTA</b>	NSW Roads and Traffic Authority
<b>SA Guidelines</b>	The South Australian Environmental Protection Authority's <i>Wind Farms: Environmental Noise Guidelines (2003)</i>
<b>Site</b>	The land to which this approval applies
<b>Utility</b>	Any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Project Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- Black Springs Environmental Assessment*, prepared by Harper Sommers O'Sullivan dated November 2006;
  - Black Springs Wind Farm Submissions Report (Response to Public Submissions and Response to Department of Planning Comments)*, prepared by Harper Somers O'Sullivan dated June 2007; and
  - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1 to 1.1b) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - any document listed from condition 1.1 to 1.1b) inclusive, and any other document listed from condition 1.1 to 1.1b) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
  - the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Statutory Requirements**

- 1.4 The Proponent shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

### **Limits of Approval**

- 1.5 This project approval shall lapse five years after the date of this approval unless the Proponent has demonstrated to the satisfaction of the Director-General that either orders have been placed for wind turbine generators for this project, or that work on at least one of the matters described in parts 1(a) to (e), inclusive, below has been completed on the site before the date on which the approval would otherwise lapse under this condition:
- internal track construction;
  - civil works associated with the construction of the foundations for the wind turbine footings;
  - control room construction;
  - electrical substation construction; or
  - underground cabling.

### **Decommissioning**

- 1.6 The Proponent shall notify the Director-General in writing of its intention to decommission the project or individual turbine(s), as may be relevant from time to time.
- 1.7 If any wind turbine generator is not used for the generation of electricity within any continuous period of 12 months, it shall be decommissioned, unless otherwise agreed by the Director-General. The Proponent shall keep independently verified annual records of the use of wind turbines for electricity generation. These records shall be reported through, and in accordance with, the Compliance Tracking Program required under condition 4.1 of this approval. The relevant wind turbine generator and any associated infrastructure shall be dismantled and removed from the site within 24 months from the date that the wind turbine was last used to generate electricity.

- 1.8 Within one year of decommissioning either an individual turbine(s) or the entire project, the Proponent shall ensure that the site is cleared of the above-ground infrastructure associated with the individual turbine(s) or entire project, as relevant, including but not limited to: all wind turbine generators (excluding turbine foundations); substation; control and facilities building; monitoring towers; electrical infrastructure; and site access tracks unless otherwise agreed by the Director-General, and the site rehabilitated in accordance with the Decommissioning Management Plan required under condition 6.6 of this approval.
- 1.9 Notwithstanding condition 1.9 of this approval, where the substation and/or control and facilities building have been transferred to, or are in the control of, the local electricity network operator such infrastructure is not required to be removed under this approval.
- 1.10 Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General, that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this approval.

## **2. SPECIFIC ENVIRONMENTAL CONDITIONS**

### **Visual Amenity and Design**

#### ***Off-Site Landscaping Requirements***

- 2.1 Prior to the commencement of construction of the project, the Proponent shall consult with Council on the need to provide landscaping measures along the public road reserves identified in parts a) to c) inclusive to minimise the visual impact of the project on neighbouring residential dwellings and shadow flicker impacts on public roads as far as is reasonable and feasible. Roads eligible for this treatment include:
  - a) Campbells River Road (between Campbells River and Black Springs Village);
  - b) Abercrombie Road (between Vulcan State Forest and Campbells River); and
  - c) Dog Rocks Road (between the 'Fernlee' property and Black Springs Village)

The Proponent shall notify the Director-General of the landscaping measures agreed in consultation with Council, including details of timing and responsibilities for implementation. Subject to the agreement of the Director-General, the Proponent shall implement the agreed landscaping measures to the satisfaction of the Director-General and within such timeframe as the Director-General may agree.
- 2.2 The Proponent shall endeavour to enter into an agreement for the life of the project with Forests NSW to provide appropriate screening utilising the existing pine plantation within Vulcan State Forest between the turbines and properties to the west of the Daisybank property with all costs for retaining such vegetation borne by the Proponent. In the event that an agreement with Forests NSW cannot be reached, the Proponent shall establish appropriate landscaping measures along the Western boundary of the Daisybank property using advanced plantings consistent with the existing vegetation in Vulcan State Forest prior to construction.
- 2.3 Prior to the commencement of construction of the project, the Proponent shall notify the following parties, in writing, of their eligibility to have landscaping treatment on their properties in order to minimise the visual impact of the project on those properties:
  - a) all owners of existing residential dwellings within four kilometres of any turbine(s) associated with the project and with views of that turbine(s); and
  - b) all owners of any allotments with a valid development consent existing at the date of this approval and upon which a residential dwelling would be permissible, within four kilometres of any turbine(s) associated with the project and with views of that turbine(s)
- 2.4 Any property owner referred to under condition 2.3 of this approval may request, no later than six months after commencement of operation of the project (or in the case of lots for which dwellings have not been built, within six months of the lawful erection of any dwelling),

that the Proponent investigate measures to minimise the visual impact of the project on the relevant property. In undertaking these investigations, the Proponent shall:

- a) within 14 days of receiving the request, investigate reasonable and feasible landscaping measures to minimise the visual impacts of the project on the affected property, to be detailed in a visual impact mitigation report; and
- b) provide the property owner with a copy of the visual impact mitigation report within 14 days of receiving this report.

2.5 The Proponent shall implement, at no cost to the relevant property owner, any or all of the landscaping measures detailed in the relevant visual mitigation report referred to under 2.4 of this approval agreed by the property owner. In the event of a disagreement between the Proponent and the property owner, The Proponent must:

- a) within 14 days, commission a suitably qualified, independent person approved by the Director-General to consult with investigate reasonable and feasible landscaping measures to minimise the visual impacts of the project on the affected property, to be detailed in a visual impact mitigation report; and
- b) provide the property owner with a copy of the visual impact mitigation report within 14 days of receiving this report.

Should a decision not be reached with respect to the scope, timing or implementation of the landscaping measures, either party may refer the matter to the Director-General for resolution. The Director-General's resolution of any such disagreement shall be final and binding on the parties.

#### ***Turbine External Design***

- 2.6 Wind turbine generators associated with the project shall be painted matte off-white/grey. The blades are to be finished with a surface treatment that minimises any potential for glare or reflection.
- 2.7 No advertising, signs or logos are to be mounted on the turbines, except where required for safety purposes. An appropriately sized corporate logo may be placed on the turbines that is to the satisfaction of the Director-General.

#### ***Shadow Flicker***

- 2.8 Shadow flicker from the project must not exceed 30 hours/annum at any residence not associated with the project.
- 2.9 The Proponent shall monitor the effects of shadow flicker on traffic travelling on Campbells River Road in accordance with the compliance tracking program specified in condition 4.1 and shall undertake remedial measures in consultation with Council to ameliorate any safety impacts arising from shadow flicker, to the satisfaction of the Director-General.

#### ***Substation Design***

- 2.10 The substation building and associated facilities shall be appropriately enclosed and landscaped to be compatible with the surrounding development/ land use in consultation with Council.
- 2.11 Prior to the commencement of construction of the substation, the Proponent shall submit, for the approval of the Director-General, details of the external façades and finishes for the substation, including demonstration of the façade(s) on an external finishing board. The finishing board shall be developed in consultation with Council and shall clearly show the materials to be used for the building façade including details of external treatments of the structures and buildings (such as painting, and other external features aimed at reducing the bulk of the building and to improve the general appearance of the project). The finishing board shall demonstrate that the external treatments of the structures and buildings are non-reflective and of appropriate design quality to minimise the visual effects of the project.

### **Viewing Platform**

- 2.12 The Proponent shall investigate, in consultation with Council, the potential for a wind farm viewing platform, interpretive signage and associated facilities to be installed and maintained in the locality. The Proponent shall report to the Director-General on the outcomes of these investigations prior to the commencement of operation of the project. If required by the Director-General, the Proponent shall proceed to install the viewing platform, signage and associated facilities, including securing any necessary planning approval(s) in accordance with the *Environmental Planning and Assessment Act 1979*.

### **Noise Impacts**

- 2.13 During construction and operation of the project, the Proponent shall minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures, such as flashing lights.

### **Construction**

- 2.14 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - b) 8:00 am to 1:00 pm on Saturdays; and
  - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.15 The hours of construction activities specified under condition 2.14 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.14 shall be:
- a) considered on a case-by-case basis;
  - b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - c) accompanied by any information necessary for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

### **Operation**

- 2.16 Prior to the commencement of operation of turbine number 1 as identified in the Environmental Assessment, the Proponent shall submit for approval of the Director-General a Sector Management Strategy for this turbine. The Strategy shall:
- a) identify how the turbine will be operated and managed to ensure that noise levels do not exceed the relevant criterion (up to and including 6m/s at hub height) within the Sector from 270° to 330°, north being 0°;
  - b) identify the need for additional restrictions such as during specific meteorological conditions and periods of operation having regard to the findings of the Wilkinson Murray Black Springs Wind Farm Independent review Report Number 06290-IP Version C;
  - c) outline an operational noise monitoring plan for turbine 1 consistent with condition 6.5; and
  - d) identify additional mitigation strategies that would be applied should the monitoring demonstrate exceedences of noise criteria.

Operation of turbine 1 must not commence until the Director-General has approved the sector management strategy and its operation shall be in accordance with such approval.

- 2.17 The operation of turbine number 1 shall be subject to an independent review taking into consideration outcomes identified in 2.16 by an independently qualified person approved by the Director-General at the Proponent's expense at each of the following periods:
- six months after commencement of operation of turbine 1;
  - at times identified in the Compliance Tracking System required under condition 4.1; and
  - any other period as directed by the Director-General.

The outcomes of each review shall be submitted to the Director-General who may require the Proponent to implement further measures should the review indicate that noise criteria have not been met. Such measures may include further restriction of the operation of turbine 1.

- 2.18 The Proponent must prepare a Background Noise verification report which must be submitted to the Director-General prior to commissioning of the wind turbines. The Background Noise verification report must contain the procedure to collect additional background noise level data providing representative coverage of seasonal (spring, autumn, summer and winter) noise variations. For the purposes of this condition, additional monitoring is required to cover the spring, autumn and winter seasons and coincident wind speed measured at 10 metres height at the wind farm site.

All background noise data measured as a result of the Background Noise Measurement Plan must be supplied to the Director-General on request.

Note: For the background noise data to be a robust statistical sample, sufficient noise data is required. The Proponent should aim to capture in the order of 2000 data points for each season. However, it is acknowledged that the extent of typical noise logging equipment is approximately two weeks which may limit the available data to less than 2000 points. Deployment of loggers for a single two week period per season is considered adequate to provide sufficient noise data for this analysis.

Also note that adequate summer background surveys have been carried out for the purposes of Environmental Assessment, and no further surveys are therefore required for this season.

- 2.19 The Proponent shall design, operate and maintain the project to ensure that the equivalent noise level ( $L_{Aeq(10\text{ minute})}$ ) from the project at each of the relevant receiver locations identified in Table 1 (as defined in the revised Noise Impact Assessment prepared by Energreen Wind and dated 18 June 2007):
- does not exceed the maximum allowable noise level specified for that receiver at any time, under the wind conditions indicated; or
  - Section 2.2 of the SA Guidelines, based on the limits calculated in accordance with Condition 2.18;

whichever is the lower.

**Table 1 – Maximum Allowable Noise Levels**

Wind Speed at 10 Metres ( $\text{ms}^{-1}$ )	Noise Levels at Specified Receiver Locations ( $L_{Aeq(10\text{-minute})}$ ) (dB(A))									
	20	21	22	23	25	29	31	32	33	34
4	35	35	35	37	36	36	37	36	35	35
5	36	35	36	37	38	37	38	38	35	36
6	36	35	36	38	40	37	39	39	36	36
7	37	36	37	38	42	38	41	40	36	37
8	37	36	37	39	44	38	41	40	36	37
9	37	36	37	39	45	38	41	40	37	37
10	37	36	37	39	45	38	41	40	37	37



- 2.20 For existing receivers not otherwise specified under condition 2.19, the Proponent shall design, operate and maintain the project to ensure that the project does not exceed an  $L_{Aeq,(10\text{-minute})}$  noise level of 35dB(A) at those receivers at any time, and under any wind conditions of up to and including 8m/s measured at the turbine hub height or 0.3dB(A) above 35dB(A) for every 1m/s wind speed above 8m/s measured at the turbine hub height.
- 2.21 For the purpose of assessing noise from the project under conditions 2.19 and 2.20 of this approval, noise shall be measured at the most affected point within the residential property boundary, or at the most affected point within 20 metres of the existing dwelling, where the dwelling is more than 20 metres from the boundary, to determine compliance with the noise level limits in conditions 2.19 and 2.20.
- 2.22 For the purpose of conditions 2.19 and 2.20 of this approval, 5 dB(A) shall be applied to measured noise levels where tonality is present. The presence of tonality shall be determined using the methodology detailed in *Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques* (IEC 61400-11:2002) or its latest edition.
- 2.23 Notwithstanding conditions 2.19 and 2.20 of this approval, the noise limits specified under those conditions do not apply to any residence where a noise agreement is in place between the Proponent and the respective owners of those residences with respect to noise impacts and/ or noise limits. For this condition to take effect, the noise agreements shall satisfy the requirements of *Guidelines for Community Noise* (WHO, 1999) and Section 2.3 of *Wind Farms: Environmental Noise Guidelines* (SA EPA, 2003). In the event of any inconsistency, the lower noise limit prevails.
- 2.24 The Proponent shall, where reasonable and feasible, provide physical noise mitigation measures to achieve a noise criterion ( $L_{Aeq (10\text{-minute})}$ ) of 30 dB(A) inside bedrooms (as outlined in the *Guidelines for Community Noise* (WHO, 1999) for no more than one dwelling on each parcel of land that:
- is not associated with the project;
  - was lawfully in existence at the date of this approval;
  - was lawfully permitted to be developed for the purpose of a residential dwelling at the date of this approval;
  - is or was the subject of a valid construction certificate for a residential dwelling, lodged with the consent or a certifying authority within three years of the date of this approval; and
  - would, but for the requirements of this condition, experience noise contributions from the project at the approved location of the residential dwelling in excess of the noise limits recommended in *Wind Farms: Environmental Noise Guidelines* (SA EPA, 2003).

### **Traffic and Transport**

- 2.25 Prior to the commencement of construction of the project, and then following the completion of construction, the Proponent shall arrange for dilapidation reports to be prepared for all Council-administered roads likely to be affected by construction traffic associated with the project (refer to section 2.3 of the document referred to under condition 1.1a)). Copies of the dilapidation reports shall be provided to Council, and the Proponent shall fund the reparation of any damage resulting during the construction of the project, other than for normal wear and tear that may reasonably be attributed to the project.
- 2.26 Prior to the commencement of construction of the project, the Proponent shall lodge a refundable bond or corporate guarantee totalling \$320,000 with Council as guarantee against damage to surrounding public land and infrastructure during construction of the project.
- 2.27 Prior to the transport of any oversized components of the project to the site, the Proponent shall, in consultation with the RTA and Council, install regulatory signage at locations required by those parties. Signage locations shall include but not necessarily be limited to

the junction of the Great Western Highway and O'Connell Road, Bathurst and Goulburn Road, Oberon.

- 2.28 All heavy vehicles associated with the project shall access the site using Campbells River Road. At no time shall Swatchfield Road be used for any heavy vehicular purpose associated with the construction, operation or decommissioning of the project.
- 2.29 Safe intersection sight distances (in accordance with the RTA's *Road Design Guide*) shall be maintained for the duration of the construction and decommissioning of the project or as otherwise agreed by the relevant roads authority.
- 2.30 Prior to the commencement of construction, the Proponent shall prepare and submit for the approval of the RTA, a Traffic Control Plan(s) and Oversize Vehicle Permit application(s) for all operations involving over-sized and/ or over-weight vehicles using public roads to transport materials to or from the site.

#### **Aviation**

- 2.31 Prior to the commencement of construction, the Proponent shall submit details of the construction timetable for the project to the Civil Aviation Safety Authority (CASA) and the Commonwealth Department of Defence. The Proponent shall advise CASA and the Department of Defence of any change to the construction timetable that may occur from time to time.
- 2.32 Prior to the commencement of operation, the Proponent shall provide the following information to CASA and the Department of Defence:
  - a) "as constructed" coordinates in latitude and longitude for each wind turbine generator;
  - b) final heights of each wind turbine generator in Australian Height Datum; and
  - c) ground level at the base of each wind turbine generator in Australian Height Datum.
- 2.33 In the event that aerial weed control and/or fertiliser application is restricted on the site due to the location of the wind turbine generators, the Proponent shall fully fund the cost difference between aerial weed spraying/ fertiliser application and a reasonable alternative, unless otherwise agreed by the Director-General.
- 2.34 No external lighting at night of any infrastructure associated with the operation of the project, including wind turbine generators, is permitted other than low intensity security lighting, unless otherwise agreed or directed by the Director-General or Civil Aviation Safety Authority.

#### **Mining Lease**

- 2.35 The Proponent shall liaise with the holder of exploration licence 5574 and negotiate measures to be applied during construction and operation of the project so as to minimise the potential for any sterilisation of resources on the tenement.

#### **Electromagnetic Interference**

- 2.36 The Proponent shall ensure that the Burruga to Black Springs Rural Fire Service Link is not disrupted as a result of the construction, operation or decommissioning of the project. The Proponent shall bear the cost of any measures necessary to ensure that the Link remains undisrupted.
- 2.37 In the event that any issues with radio communication service links existing prior to the commencement of construction of the project arise as a result of the project (such as obstruction of transmission paths), the Proponent shall consult with the operator(s) of the links and implement appropriate measures to address the issue. The Proponent shall bear the cost of such measures, which may include:
  - a) modification to or relocation of the existing antennae;
  - b) installation of a directional antennae; and/ or

- c) installation of an amplifier to boost the signal strength.
- 2.38 Prior to the commencement of construction of the project, the Proponent shall undertake an assessment of the existing quality of the television/radio transmission available at a representative sample of residential dwellings located within five kilometres the location of any wind turbine associated with the project. The Proponent shall undertake a further assessment of television/radio transmission following commencement of operation of the project, and if an unreasonable deterioration in transmission is observed, shall undertake reasonable and feasible mitigation measures to rectify the deterioration. The Proponent shall bear the cost of such measures, which may include:
- a) modification to or replacement of receiving antenna;
  - b) installation and maintenance of a parasitic antenna system;
  - c) provision of a land line between the affected receiver and an antenna located in an area of favourable reception; and/ or
  - d) other feasible measures.

Should the Proponent be unsuccessful in ameliorating transmissions deterioration with the measure outlined under a) to d) above, or with other reasonable and feasible measures, the Proponent shall negotiate with affected landowners with respect to installing and maintaining a satellite receiving antenna at each affected premise. The Proponent shall bear the cost of installing and maintaining the satellited receiving antennae, and shall ensure that installation is complete within three months of reaching agreement with the affected landowner, unless otherwise agreed by the landowner.

### **Bushfire Risk**

- 2.39 Throughout the life of the project, the Proponent shall consult periodically with the local Rural Fire Service (RFS) to ensure that the local RFS is familiar with the project, including the construction timetable and the final location of all infrastructure on the site. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies. The Proponent shall:
- a) ensure that there is appropriate fire-fighting equipment held on site to respond to any fires that may occur at the site during construction and operation of the project; and
  - b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on the site at any time throughout the life of the project.

### **Utilities and Public Works**

- 2.40 The Proponent shall consult with the relevant provider of services that are likely to be affected by the project and make arrangements to adjust and/or relocate their services as required. The cost of any such adjustment and/or relocation of services shall be borne by the Proponent.
- 2.41 Any damage caused to public infrastructure as a result of the project shall be repaired to the satisfaction of Council, or relevant utility provider and within such period as specified by the Council, or relevant utility provider.

### **Soil and Water Quality Impacts**

- 2.42 The Proponent shall employ soil and water management controls to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction and operation in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction, 4<sup>th</sup> Edition (or latest edition)* by Landcom and the Department of Land and Water Conservation's *Guidelines for the planning, construction and maintenance of tracks* (DLWC, 1994).

### **Air Quality Impacts**

- 2.43 The Proponent shall undertake the project in a manner that minimises or prevents the emission of dust from the site, including wind-blown and traffic-generated dust ensuring that a water cart or, equivalent is available and all vehicles carrying a load to/from the site capable of generating dust are covered at all times.

## Hazards and Risk

- 2.44 The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- a) all relevant Australian Standards;
  - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - c) the DECC's *Environment Protection Manual Technical Bulletin Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

## 3. ENVIRONMENTAL MONITORING AND AUDITING

### Bird and Bat Monitoring

- 3.1 Prior to the commencement of construction, the Proponent shall prepare and submit for the approval of the Director-General a **Bird and Bat Adaptive Monitoring Program**, which takes account of bird/ bat monitoring methods identified in the current editions of AusWEA *Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Wind Farm and Birds: Interim Standards for Risk Assessment*. The Program shall include, but not necessarily be limited to:
- a) provision for an ongoing role for a suitably qualified expert to implement the Program;
  - b) monitoring requirements to assess the potential impacts of the project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program shall be capable of detecting any changes to the population of birds and/ or bats that can reasonably be attributed to the operation of the project, that is, data may be required to be collected prior to the commencement of construction. The requirements shall also account for natural and human changes to the surrounding environment that might influence bird and/ or bat behaviour such as changes in land use practices, and significant changes in water levels in nearby water bodies;
  - c) incorporate a decision making framework that sets out specific actions and when they may be required to be implemented to reduce any impacts on birds and bats that have been identified as a result of the monitoring;
  - d) provision for the identification of 'at risk' bird and bat groups and include monthly mortality assessments and periodic local population censuses and bird utilisation surveys;
  - e) identification of potential mitigation measures and implementation strategies in order to reduce impacts on birds and bats such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird/ bat mortality at certain times; and
  - f) identification of matters to be addressed in periodic reports to the Director-General in relation to the outcomes of monitoring, the application of the decision making framework, the need for mitigation measures, progress with implementation of such measures, and their success.
- 3.2 Following consideration of the outcomes presented in the periodic reports to the Director-General required under condition 3.1, the Director-General may or may not require the Proponent to implement additional mitigation, monitoring or management measures to address bird and bat impacts associated with the project. The Director-General may require any or all of the measures presented in each periodic report, or other measures considered appropriate by the Director-General to be implemented. The Proponent shall implement the measures required by the Director-General within such period as the Director-General may specify.

## Noise Auditing

- 3.3 Within 90 days of the commencement of operation of project, or as may be directed or agreed by the Director-General, the Proponent shall undertake a program to confirm the noise emission performance of the project. The program shall include, but not necessarily be limited to:
- a) noise monitoring and assessment generally in accordance with procedures presented in *Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques* (IEC 61400-11:2002) and *Wind Farms: Environmental Noise Guidelines* (SA EPA, 2003)
  - b) assessment of the noise performance of the project against the noise limits specified under this approval (conditions 2.16 to 2.24 of this approval);
  - c) details of any complaints received in relation to noise generated by the project; and
  - d) recommendations and timetables for implementation for any reasonable and feasible additional measures necessary to ensure compliance with the relevant noise-related conditions of this approval.
- 3.4 In the event that implementation and operation of the project is staged, the noise auditing referred to under condition 3.3 shall be undertaken within 90 days of the initial commencement of operation, and then again within 90 days of the commencement of operation of the entire project (all turbines).
- 3.5 Within 28 days of conducting the noise audit referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits specified under this approval, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Additional mitigation measures shall include, in the first instance, all reasonable and feasible measures to reduce noise emissions from the project. Once all reasonable and feasible source controls are exhausted, mitigation measures may include offering building acoustic treatments and/ or noise screening to affected residents, but may only be used to address noise limit exceedances at the absolute discretion of the relevant landowner. The Proponent shall also demonstrate that the relevant landowner has been made fully aware of the noise levels and other implications of making any agreement

- 3.6 Following consideration of the outcomes of the noise audit(s) referred to under condition 3.3 of this approval, the Director-General may require the Proponent to implement additional noise mitigation, monitoring or management measures to address noise associated with the project. The Director-General may require any or all of the measures proposed by the Proponent in the noise audit report, or other measures considered appropriate by the Director-General to be implemented having regard to the SA Guidelines (2003). The Proponent shall implement the measures required by the Director-General within such period as the Director-General may specify.

## 4. COMPLIANCE MONITORING AND TRACKING

### Compliance Tracking Program

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction of the project. The Program shall relate to construction, operation and decommissioning of the project, and shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval, the Statement of Commitments (as referred to in condition 1.1b)) of this approval) and any relevant conditions of approval granted for the projects associated with the concept plan;

- b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of projects associated with this concept plan;
- c) provisions for periodic reporting of compliance status to the Director-General;
- d) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
- e) mechanisms for recording incidents and actions taken in response to those incidents; and
- f) provisions for reporting environmental incidents to the Director-General during construction and operation;
- g) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance.

## **5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

### **Complaints and Enquiries Procedure**

- 5.1 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project:
- a) a 24-hour telephone number on which complaints about the project may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised in the Oberon Review and other papers circulating in the locality on at least one occasion prior to the commencement of construction and six-monthly intervals thereafter until conclusion of construction works. The telephone number, the postal address and the email address shall also be provided on the website or dedicated web pages referred to under condition 5.4 of this approval.

- 5.2 The Proponent shall record details of all complaints received through the means listed under condition 5.1 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

### **Provision of Electronic Information**

- 5.3 Prior to the commencement of construction of the project, the Proponent shall establish and maintain for the life of the project a website, or dedicated pages within its existing website for the provision of electronic information associated with the project subject to such information not being commercially sensitive. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) information on the development and the current implementation status of the project;
  - b) a copy of this approval;
  - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
  - d) a copy of each monitoring program and each environmental management required under this approval;
  - e) details of environmental performance of the project;

- f) details of the outcomes of reviews and audits of the project; and
- g) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address;

### **Community Information Plan**

- 5.4 Prior to the commencement of construction, the Proponent shall prepare and implement a **Community Information Plan** which sets out the community communications and consultation processes to be undertaken during construction, operation and decommissioning of the project. The Plan shall include but not be limited to:
- a) procedures to inform the local community of planned investigations and construction activities, including blasting works;
  - b) procedures to inform the relevant community of construction traffic routes and any potential disruptions to traffic flows and amenity impacts;
  - c) procedures to consult with local landowners with regard to construction traffic to ensure the safety of livestock and to limit disruption to livestock movements;
  - d) procedures to minimise impacts to livestock owners utilising the overland stock route between Oberon and Goulburn;
  - e) procedures to inform the community where work has been approved to be undertaken outside the normal construction hours, in particular noisy activities;
  - f) procedures to inform and consult with those landowners who are eligible for landscaping on their property as determined under condition 2.2 of this approval; and
  - g) procedures to notify relevant landowners of the process available to review potential impacts on radio and television transmission.

### **Community Enhancement Program**

- 5.5 Prior to the commencement of construction, the Proponent shall prepare and submit for the approval of the Director-General, a **Community Enhancement Program** to fund (or provide in kind) community infrastructure and services in the locality of the project.

The Proponent shall establish a fund for the purposes of implementing the Community Enhancement Program and contribute to it, \$15,000 each year commencing upon commissioning of the project until the end of its life. The contribution shall be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the June, 2007 quarter.

In preparing the Program, the Proponent shall consult with the Council and local community representatives.

## **6. ENVIRONMENTAL MANAGEMENT**

### **Environmental Representative**

- 6.1 Prior to the commencement of site preparation works, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) whose appointment is to receive prior approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a basis sufficient to undertake the role during construction and operation. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the project;
  - b) responsible for all Management Plans and Monitoring Programs required under this approval;
  - c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;
  - d) responsible for receiving and responding to complaints in accordance with conditions 4.1 and 4.2 of this approval; and
  - e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of

such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Proponent shall notify the Director-General of any changes to that appointment that may occur from time to time.

### **Construction Environmental Management Plan**

- 6.2 Prior to the commencement of site preparation works or construction of the project, the Proponent shall prepare and submit for the approval of the Director-General a **Construction Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during site preparation and construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on site during site establishment and construction of the project including an indication of stages of construction, where relevant;
  - b) statutory and other obligations that the Proponent is required to fulfil during site establishment and construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c) specific consideration of measures to address any requirements of the Council during site establishment and construction;
  - d) a description of the roles and responsibilities for all relevant employees involved in the site establishment or construction of the project.
  - e) details of how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
    - i) measures to monitor and manage dust emissions;
    - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
    - iii) measures to monitor and control noise emissions during construction works; and
    - iv) measures to manage, control and prevent the spread of weeds during construction;
  - f) a description of the roles and responsibilities for all relevant employees involved in site preparation and construction of the project and a program for how these employees will be trained in responsibilities identified in the plan;
  - g) complaints handling procedures to be applied during operation of the project (conditions 5.1 and 5.2 of this approval);
  - h) the issue-specific management plans listed under condition 6.3 of this approval.

The Construction Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.

- 6.3 As part of the Construction Environmental Management Plan required under condition 6.2 of this approval, the Proponent shall prepare and implement the following management plans and protocols:
- a) a **Construction Noise Management Plan** to detail measures to minimise noise emissions associated with the construction of the project. The Plan shall include, but not necessarily be limited to:
    - i) identification of all major sources of noise that may be emitted as a result of the construction of the project;
    - ii) specification of the construction noise criteria, consistent with *Noise Management Guideline – Construction Noise* (formerly published as Chapter 171 of the *Environmental Noise Control Manual*);



- iii) where relevant, identification of construction vibration criteria, consistent with *Environmental Noise Management – Assessing Vibration: A Technical Guideline* (DEC, 2006);
  - iv) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
  - v) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints;
  - vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected
  - vii) details of the procedures to be undertaken if any non-compliance with relevant construction noise and vibration criteria/ goals is detected
- b) a **Construction Traffic Management Protocol** to detail how heavy vehicle movements associated with the project will be managed during construction. The Protocol shall specifically address the movement of oversize loads to and from the site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials.
- c) a **Construction Bushfire Risk Management Protocol** based on the guidelines *Planning for Bushfire Protection* (RFS, 2006). The Plan shall include, but not necessarily be limited to:
- i) details of the bushfire hazards and risks associated with the project;
  - ii) details of the fire-fighting equipment held on-site including the type and its location;
  - iii) procedures and programs for liaison and regular drills with the local RFS;
  - iv) procedures for regular fire prevention inspections by the local RFS and implementation of any recommendations;
  - v) procedures to be followed in the event of an actual bushfire risk to the site and/ or surrounding properties; and
  - vi) mitigation measures including contingency plans.

#### **Operation Environmental Management Plan**

- 6.4 Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004), and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during operation of the project;
  - b) statutory and other obligations that the Proponent is required to fulfil during operation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c) specific consideration of measures to address the reasonable requirements of Council during operation;
  - d) details of how the environmental performance of operations will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - e) a description of the roles and responsibilities for all relevant employees involved in the operation of the project and a program for how these employees will be trained in responsibilities identified in the plan;
  - f) procedures for the period review of the Plan, at a frequency of no less than once every three years throughout the life of the project;
  - g) complaints handling procedures to be applied during operation of the project (conditions 5.1 and 5.2 of this approval); and
  - h) the issue-specific management plans listed under condition 6.5 of this approval.

- 6.5 As part of the Operation Noise Management Plan required under condition 6.4, the Proponent shall prepare and implement the following management plans and protocols:
- a) an **Operation Noise Management Plan** to outline measures to minimise noise emissions from the operation of the project and ensure compliance with the noise conditions specified in this approval. The Plan shall include, but not necessarily be limited to:
    - i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval (conditions 2.16 to 2.24 of this approval);
    - ii) identification of activities that will be carried out in relation to the project and the associated noise sources;
    - iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;
    - iv) procedures for identifying, notifying and implementing noise mitigation measures that may be required under condition 2.24 of this approval;
    - v) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during the project;
    - vi) identification and implementation of best practice management techniques for minimisation of noise emissions where reasonable and feasible;
    - vii) development of reactive and pro-active strategies for dealing promptly with any noise complaints;
    - viii) measures to be undertaken to rectify annoying characteristics resulting from the operation of the project such as, but not limited to, adverse mechanical noise from component failure;
    - ix) noise monitoring and reporting procedures; and
    - x) procedures and corrective actions to be undertaken if non-compliance is detected.
  - b) an **Operation Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site to address the visual impacts arising from the project including, turbines, site access roads, substation and control and facilities building. The Plan shall be prepared by a qualified landscape architect and shall address the requirements of Council, should there be any. The Plan shall include, but not necessarily be limited to:
    - i) details of landscaping to be undertaken at the site including locations for planting;
    - ii) maximisation of use of flora species that are native to the locality and with low maintenance requirements;
    - iii) a program for the removal of weeds introduced or spread as a result of the development at the site; and
    - iv) a program for maintenance of all landscaped areas on the site to ensure these areas are kept in a tidy, healthy state.
  - c) an **Operation Bushfire Risk Management Plan** based on the guidelines *Planning for Bushfire Protection* (RFS, 2006). The Plan shall include:
    - i) details of the bushfire hazards and risks associated with the project;
    - ii) details of the fire-fighting equipment held on-site including the type and its location;
    - iii) procedures and programs for liaison and regular drills with the local RFS;
    - iv) procedures for regular fire prevention inspections by the local RFS and implementation of any recommendations;
    - v) procedures to be followed in the event of an actual bushfire risk to the site and/ or surrounding properties; and
    - vi) mitigation measures including contingency plans.

### **Decommissioning Environmental Management Plan**

- 6.6 Within one month of any decision to decommission all or part of the project (conditions 1.6 to 1.10 of this approval), the Proponent shall prepare and submit for the approval of the Director-General, a **Decommissioning Environmental Management Plan** to detail an

environmental management framework, practices and procedures to be followed during the decommissioning of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004), and shall include, but not necessarily be limited to:

- a) a schedule for the orderly removal of the infrastructure;
- b) procedures to be implemented for the safe removal of the infrastructure;
- c) details of how the environmental performance of decommissioning activities will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- d) procedures for the notification of the surrounding landowners, Council and any relevant public authorities of the requirement to remove the infrastructure, including the timing of removal;
- e) procedures to notify the surrounding landowners during the activities associated with the removal of the infrastructure from the site; and
- f) rehabilitation details including but not limited to site locations for plantings, species to be used in planting and a schedule for maintenance.

## **7. ENVIRONMENTAL REPORTING**

### **Incident Reporting**

- 7.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.
  - 7.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 7.1 of this consent, within such period as the Director-General may require.
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